# IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

**CWP No.710/2007**

**Reserved on: 23.10.2007**

**Decided on.26.10.2007**

---

**Charan Singh** **…Petitioner.**

**Versus**

**Union of India and others.** **Respondents**

---

*Coram*

**The Hon'ble Mr. Justice Rajiv Sharma, J.**

*Whether approved for reporting ?*[1]*. No.*

**For the petitioner : Mr. Rahul Mahajan Advocate.**

**For the respondents Mr. K.B. Khajuria, Central Government Counsel.**

---

**Rajiv Sharma, J.**

The brief facts necessary for the adjudication of this petition are that the petitioner's brother while serving with CRPF was killed in encounter with militants on 7.6.1997. The mother of the petitioner submitted an application addressed to Deputy Inspector of Police, CRPF, Pinjore to provide job to her son. Consequently the petitioner was appointed on compassionate grounds as Water Carrier vide letter dated 17th February, 2004. He started discharging the duties of Water Carrier with effect from March, 2004. The services of the petitioner were terminated vide communication dated 14.1.2006. The petitioner served a legal notice upon the respondents on 6th March, 2006. He also preferred a statutory appeal before respondent No.2 on 22.8.2006. The appeal was rejected by the Inspector General of Police, CRPF on 7th March, 2007.

---

[1] ***Whether the reporters of Local Papers may be allowed to see the judgment***? No.

Mr. Rahul Mahajan, Advocate appearing on behalf of the petitioner had strenuously argued that his client was fully eligible and qualified to be considered for compassionate appointment after the death of his brother on 7th June, 1997. He further contended that though in the communication dated 14th January, 2006, no reason has been assigned for the termination of the services of his client, but in fact, as is evident from the reply filed by the respondents, the services of his client were terminated only on the ground that he had not disclosed at the time of his enrolment in the CRPF that his father was in government employment. He then contended that the petitioner in fact had mentioned the fact of his father being in government employment at the time of his enrolment.

Mr. K. B. Khajuria, Central Government Counsel had supported the orders dated 14th January, 2006 and 7th March, 2007.

I have heard the learned counsel for the parties and perused the record.

The short controversy requiring adjudication by this Court lies in a very narrow compass. The petitioner's brother was killed in a counter with militants on 7th June, 1997. The mother of the petitioner had submitted an application seeking employment on compassionate ground to her son. The petitioner as per the policy framed by the respondents could be appointed on compassionate grounds after the death of his real brother. The Court had directed the respondents to produce the entire record to ascertain whether the petitioner had concealed at the time of his enrolment the fact of his father being in government employment. Consequently, Mr. K.B. Khajuria had produced the entire record for the perusal of the Court. As per the record, the petitioner had filled in proforma meant for employment for dependents of government servant dying while in service/retired on invalid pension. The petitioner had

disclosed his relationship with the government servant (brother). The column No.5 of the proforma which the petitioner has filled in at the time of his enrollment dated 25.2.2005 reads thus:

> **"V. Particulars of all dependent family members of the Govt. servant (if some are employed, their income and whether they are living together or separately).**

| Sr.No. | Name(s) | Relation-ship with the Govt. servant. | Age | Address | Employed or not (if employed particulars of employment and emoluments.) |
|---|---|---|---|---|---|
| 1. | Charan Singh | Brother | 27 | PO Gaggal, V. Dhungan upperli | Not employed. |
| 2. | Kamla Devi | Mother | 55 | -do- | -do- |
| 3. | Pritam Chand | Father | 58 | -do- | Govt. employee. |
| 4. | Chander Kumari | Brother-in-law | 19 | -do- | Not employed." |

It is thus evident that the petitioner has specifically mentioned that his father was a government employee. What has been stated in the reply filed by the respondents is that the petitioner was not entitled for employment on compassionate grounds for the reasons that his father was already in government service and this fact was not brought to the notice of committee by the petitioner. This averment is factually incorrect. The petitioner has disclosed specifically as reproduced above that his father was in government employment.

The petitioner as per policy was entitled to get employment after the death of his brother on compassionate grounds. Since the petitioner had not concealed any material fact from the respondents, the termination letter dated 14.1.2006 along with order dated 7.3.2007 are not sustainable in the eyes of law.

Consequently, the writ petition is allowed. Annexures P-1 dated 14.1.2006 and P-6 dated 7.3.2007 are quashed and set aside. The

respondents are directed to reinstate the petitioner within a period of two months from today with all consequential benefits i.e. arrears of salary, seniority etc. There shall be no order as to costs.

**( Rajiv Sharma), Judge**

October 26, 2007
**Awasthi**